REMARKS

The office action of January 24, 2006 has been reviewed and the examiner's comments carefully considered.

The examiner has rejected claims 1, 5, 7, 8, 11 and 12 under 35 U.S.C. 102(b) in view of U.S. Patent 6,970,087 which issued November 29, 2005. 35 U.S.C. 102 (b) sets forth conditions for patentability; novelty and loss of right to patent stating that a "person shall be entitled to a patent unless ... (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of the application for patent in the United States." The present application was filed March 12, 2004 and claims the benefit of provisional patent application 60/454,874 filed March 14, 2003. The filing date of the present application and the filing date of the priority provisional application are well in advance of the issue date of the 6,970,087 patent, and certainly in advance of one year from such a date. The 6,970,087 patent does not qualify as prior art under 102(b) as suggested by the examiner.

Further, the 6,970,087 patent, including the earlier published U.S. Publication 2004/0113781, does not qualify as prior art under any section of 102 in that the application issuing as the 6,970,087 patent was filed in the United States on July 24, 2003 and was published on June 17, 2004 both after the filing date of the provisional patent application 60/454,874 to which the present application claims priority. The current claims are fully supported in the earlier provisional patent application, 60/454,874. Finally, in appropriate circumstances the applicant could establish a date of invention much earlier than the March 14, 2003 filing date (e.g. a 131 declaration), but such is clearly not needed at this time.

The examiner has rejected claims 2-4, 9 and 10 as being obvious in light of the teachings of the 6,970,087 patent. As discussed above, the 6,970,087 patent does not qualify as prior art against the present application under any relevant section of 102 and cannot support an obviousness rejection under 103.

The examiner has rejected claim 6 in light of the combined teachings of the 6,970,087 patent taken further in view of U.S. Patent 6,362,739. As discussed above, the 6,970,087 patent does not qualify as prior art against the present application under any relevant section of 102 and cannot support an obviousness rejection under 103, even in combination with other art.

The 6,970,087 patent is clearly relevant to the present claimed invention. In reviewing this patent the undersigned noted that the U.S. inventor first filed the development in Israel and then filed in the United States, however, the undersigned was unable to locate the required foreign filing license which would allow the original filing in Israel. This omission or matter has no effect on the status of this publication as prior art under 102(a), (b), or (e) {i.e. it s not prior art under these sections for the present application, but certainly can be against other later filed applications}, however it may be important in other applications of this reference (e.g. interference). If the examiner can clarify the foreign filing license issue for the 6,970,087 patent, it would be appreciated. In light of the specific claims in both the present application and the '087 patent currently, interference does not yet seem appropriate.

Claims 1-12 remain in the application and favorable action is respectfully requested.

Respectfully Submitted;

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